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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,630	08/10/2000	Kazuhiro Kusama	566.38876X00	5841

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT PAPER NUMBER

3626

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/635,630

Applicant(s)

KUSAMA ET AL.

Examiner

Luke Gilligan

Art Unit

3626

Mh

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 28 January 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed ^{response} amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-6 and 8-11.Claim(s) withdrawn from consideration: NONE.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 5. does NOT place the application in condition for allowance because: In the remarks filed 1/28/04 in paper number 10, Applicants argue in substance that (1) Campbell does not teach that the degree of importance of the request for reservation determined on the basis of the attribute of a user, the status information and the attribute of a service; (2) Campbell does not teach any means for controlling the service resources for execution of a service; (3) Campbell does not include any "uncountable service resources" as the matters to be managed or controlled; (4) Campbell does not teach any means for integrated management of the different service resources to be managed

In response to Applicants' argument (1), the Examiner respectfully submits that the "degree of importance" as defined within the body of the claims is not limited to being determined on the basis of the attribute of a user, the status information and the attribute of a service. With respect to claim 1, for example, the "degree of importance" is merely defined as being determined "in accordance with preset specifications" and that it is "accepted by the first acceptance element." It is further defined as being used to deny or permit acceptance of the service booking request if it is higher or lower than a predetermined standard or importance degree. However, the term has not been defined within the body of the claim to be determined on the basis of what Applicants argue, nor has Applicant pointed to any claim limitations which indicate such limitations. Therefore, the Examiner maintains that, given the broadest reasonable interpretation to one of ordinary skill in the art, the marginal value as described and utilized by Campbell is analogous to the degree of importance as defined within the body of the claims.

In response to Applicants' argument (2)-(4), the Examiner respectfully submits that Applicants have not identified any claim limitations that correspond to the arguments. Furthermore, while Applicants have argued differences between their invention and the applied prior art, it is unclear how these differences are articulated as limitations recited within the body of the claims. For example, by "means for controlling the service resources for execution of a service" are Applicants referring to the "transmission and exchange network"? If so, the Examiner respectfully submits that Campbell at column 6, lines 13-41 describes a transmission and exchange network as defined within the claims. Therefore, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).